

1 Law Offices of Russel T. Little, ap.c.
2 California Bar No. 153596
185 West F Street, Suite 100
3 San Diego, California 92101
4 Telephone:(619) 232-2330
Facsimile: (619) 232-4916
5
6 Attorney for: Westvale Capital, LLC
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8 **UNITED STATES BANKRUPTCY COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 Ricardo Gavino
12 Edna Gavino,
13 Debtors,

14 Westvale Capital, LLC, its successors
15 and/or assigns,
16 Movant

17 v.

18 Ricardo D. Gavino; Edna C. Gavino;
19 and, David L. Skelton, Chapter 13
Trustee

20 Respondents,
21

Case No. 15-00682-LA13

RS No. RTL-1

**Reply to Debtors' Opposition to
the Motion for Relief from the
Automatic Stay**

Hearing:
Date: June 17, 2015
Time: 10:00 a.m.
Dept: 2

[Judge Louise DeCarl Adler]

REPLY

Movant, Westvale Capital, LLC, beneficiary of the second deed of trust on real property commonly known as 1424 Robles Drive, Chula Vista, CA 91911, ["Property"], by and through its counsel, Law Offices of Russel T. Little, apc hereby replies to the Debtors' Opposition to the Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. §362.

SHORT SALE OF PROPERTY:

Movant's first and only knowledge of a possible short sale was when it received debtors' opposition to the motion for relief; and, debtors' statement that they "were confident" that their lender would "approve the offer and short sale," was and is pure speculation.

Movant has not and will not approve a short sale of the property. PPH Mortgage filed a proof of claim on June 8, 2015, [Court Claim No. 15], that states \$383,672.67 was owing as of the petition date; and, Movant's claim, [Court Claim No. 5], states that \$130,444.21 was owing as of the petition date. The amount owing, as of the petition date was \$514,116.88, and that amount is increasing because debtors are not making their post-petition monthly payments.

On June 9, 2015, Movant's servicing agent, [FCI Lender Services] received a 53-page, short-sale, package from Coldwell Bank West, requesting that Movant agree to a payoff of \$60-62,000.00. A true and correct copy of the cover letter is attached hereto as Exhibit "A" and incorporated by reference herein.

Again, Movant **will not** accept debtors' offer of short sale.

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1 NO POST-PETITION PAYMENTS:

2 By their own admission, debtors have failed to make any post-petition payments
3 on both the 1st [PPH Mortgage]; and, 2nd [Movant], deeds of trust. Debtors are still
4 due for monthly payments due March 1, 2015 through June 1, 2015. The post-
5 petition default for PPH Mortgage, [\$9,101.72] and Movant, [\$3,469.04], totals:
6 \$12,570.76, see: form motion and Declaration of James Frace.

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8 Movant requests that the stay be terminated as to the debtors and debtors'
9 bankruptcy estate.

10 Dated: June 9, 2015

Respectfully,

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12 /s/Russel T. Little
13 RUSSEL T. LITTLE, Counsel for Movant
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EXHIBIT “A”

Coldwell Banker West



Date: June 5, 2015

Send To: FCI Lender Services

Attention: Loss Mitigation Dept.

LOAN #: 399018837

Property Address: 1424 Robles Dr Chula Vista CA 91910

Subject: SHORT PAY-OFF REQUEST

FAX #: 714-283-2247 / 714-282-2429

BORROWER/S #: Ricardo and Edna GAVINO

Number of Pages attached: 53

Please see attached short sale package requesting a short pay-off settlement in the amount of \$60-\$62k

Please confirm receipt

Sincerely,

A handwritten signature in dark ink, appearing to read "Merrie M. Espina", written over a light background.

Merrie M. Espina & Associates, Inc.
CNE, VAPRO, CPRES, Short Sale & Foreclosure Specialist
Int'l Diamond Society, Int'l President's Circle
CA BRE Lic #91222457
Real Estate Broker / Notary Public

Cell (619) 274-6395

COLDWELL BANKER WEST

merrie.espina@gmail.com
University of LaVerne Alumni

I OFFER THE FOLLOWING SERVICES:
- Home / Land Purchase & Listing
- Short Sale Transactions
- Notary Public
- Probate transactions

A row of five circular logos representing various professional affiliations, including CNE, VAPRO, CPRES, and others.

A black and white headshot of Merrie M. Espina, a woman with short dark hair, wearing a dark jacket over a light-colored top.

The Coldwell Banker West logo, featuring the words "COLDWELL BANKER" above "WEST" in a rectangular frame.

1061 Tierra Del Rey, #302 • Chula Vista, CA 91910
Fax (619) 872-0925

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
CASE NO. 15-00682-LA13

PROOF OF SERVICE

I, Russel T. Little, am a resident of San Diego, California, and I am over the age of eighteen (18) years, and not a party to the within action. My business address is 185 West "F" Street, Suite 100, San Diego, California 92101.

A true and correct copy of the foregoing document described as **Reply to Debtors' Opposition to the Motion for Relief from the Automatic Stay**, will be served in the manner indicated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING [NEF] - Pursuant to controlling General Order No. 162, the foregoing document will be served by the court via NEF and hyperlink to the document as follows:

Larissa L. Lazarus on behalf of Debtors Ricardo Gavino and Edna Gavino
larissa@millerlegalcenter.com,
mark@millerlegalcenter.com;heather@millerlegalcenter.com;ign@millerlegalcenter.com;
2341ecfmail@gmail.com

David L. Skelton
admin@ch13.sdcoxmail.com;dskelton13@ecf.epiqsystems.com

United States Trustee
ustp.region15@usdoj.gov

Darlene C. Vigil on behalf of Creditor PNC Bank, National Association
sdcaecf@BDFGroup.com

2. SERVED BY U.S. MAIL - I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows:

Ricardo Gavino	Debtor
Edna Gavino	
1424 Robles Drive	
Chula Vista, CA 91911	

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 9, 2015, at San Diego, California.

/s/ Russel T. Little
RUSSEL T. LITTLE